

Application No. 09/845,985

REMARKS

Claims 1-4, 6-10, 12, 14-21, 48-50 and 52-61 are pending. Applicants Preliminary Remarks of March 14, 2006 indicated that a Declaration would be forthcoming. This Declaration is attached hereto.

Relevance of the Declaration With Respect to Rejections Over Kamauchi Patent

The Examiner rejected claims 1-4, 6-10, 12, 14-21, 48-50, 53, 53 and 55-61 under 35 U.S.C. § 103(a) over U.S. Patent 5,538,814 to Kamauchi et al. (the Kamauchi patent) alone or combined with U.S. Patent 5,910,382 to Goodenough et al. (the Goodenough patent). Applicants incorporate by reference their arguments from the Preliminary Remarks of March 14, 2006. Here, Applicants place the 132 Declaration in context.

Applicants note that the 132 Declaration provides experimental results that confirm Applicants assertions that the grinding approaches described in the Kamauchi patent do not produce particles with the uniformity of the particle collections covered under Applicants' pending claims. This objective evidence is not explicitly contrary to any teaching in the Kamauchi patent itself. Applicants maintain that the Examiner has failed to establish a case of *prima facie* obviousness. However, to the extent that *prima facie* obviousness has been established, this has been rebutted by clear objective evidence in the form of the attached 132 Declaration.

In view of the evidence presented in the attached materials and the arguments previously presented, Applicants respectfully request withdrawal of the rejections over the Kamauchi patent for obviousness.

Application No. 09/845,985

Other Rejections

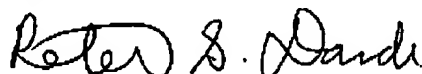
The rejections of claims 1-4, 6-10, 12-21 and 48-61 for indefiniteness and of claims 54-56, 58, 59 and 61 as obvious over U.S. Patent 5,849,827 to Bodiger were thoroughly discussed in the Preliminary Remarks of March 14, 2006. Applicants incorporate by reference the remarks from the Preliminary Remarks of March 14, 2006 regarding these rejections.

## CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Peter S. Dardi, Ph.D.  
Registration No. 39,650

Customer No. 24113  
Patterson, Thuent, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (404) 949-5730